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Strengthening of the rule of law

Report of the Secretary-General*

Summary

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has made the promotion of the rule of law a priority in its technical cooperation programmes, recognizing the link between the rule of law and respect for human rights. The technical cooperation programme offers assistance in a wide range of areas, including support for reporting under human rights treaties; development and implementation of national plans of action; establishment and strengthening of national institutions; assistance with constitutional and legislative reform, administration of justice, elections and national parliaments; and training for police, armed forces, prison personnel and legal professionals.

OHCHR also continues to emphasize the importance of respecting the international legal framework for states of emergency and is strengthening its capacity to offer technical assistance in this area.

OHCHR has provided advice to United Nations peace operations on human rights and rule of law issues, and made concrete proposals on the scope, structure and function of human rights components to ensure that the promotion and protection of human rights law was integrated into respective mandates.

* The present report was submitted late in order to include additional information received after the deadline for submission.

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With regard to future activities, the Office of the High Commissioner intends to exchange views and experiences with judges, prosecutors and lawyers on their role in the protection of human rights and rule of law at the national, regional and international level. Furthermore, the Office is currently implementing a project aimed at developing tools to help ensure the centrality of human rights in the rule of law policy in post-conflict countries.

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I. Introduction

1. In its resolution 57/221, the General Assembly requested the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the implementation of its resolution on the strengthening of the rule of law, which requested, inter alia, that the United Nations High Commissioner for Human Rights continue to accord high priority to technical cooperation activities and institution building activities in the area of the rule of law. In the same resolution, the General Assembly also requested the Secretary-General to report on the implementation of the recommendation of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that a comprehensive programme should be established within the United Nations with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law.

2. Through the Millennium Declaration (A/RES/55/2), the heads of State and Government resolved to strengthen respect for the rule of law in international as well as in national affairs. Encouraging States, non-State actors, and civil society at large to uphold the rule of law is at the core of OHCHR mission. In its resolution 57/221 of 27 February 2003, the General Assembly indicated that it was firmly convinced that the rule of law is an essential factor in the protection of human rights, as stressed in the Universal Declaration of Human Rights, and that States, through their own national legal and judicial systems, must provide appropriate civil, criminal and administrative remedies for violations of human rights. The Office of the High Commissioner has made the promotion of the rule of law a priority in its technical cooperation programmes, recognizing the link between the rule of law and respect for human rights.

3. In its resolution 2004/43, the Commission on Human Rights encouraged the High Commissioner to reinforce advisor services and technical assistance relating to national capacity-building in the field of the administration of justice, in particular juvenile justice, and, as a matter of priority, to develop an action programme to facilitate the exchange of experiences among judges as regards their role in the protection and promotion of human rights, inter alia, through the compilation of key decisions of international human rights jurisprudence and the organization of periodic consultations among judges at the international, regional and subregional levels. At a broader level, the continued commitment of the Commission to the protection of human rights and to tackling impunity for human rights abuses wherever they arise, not only reinforces respect for the rule of law at the national level, but also consolidates the concept at the international level. Presently, the Office's main funding sources for activities related to the rule of law are from the regular budget (in respect of the special procedures) and voluntary funds (Voluntary Fund for Technical Cooperation in the Field of Human Rights).

4. The rule of law provides a particularly appropriate conceptual and operational framework for the human rights programme of the United Nations, in that it equally accommodates the requirements for implementation of all civil, cultural, economic, political and social rights, as well as the right to development. It concerns itself with the substantive and the procedural, the national level and the international, and with the quality, content and objectives of laws, processes, institutions, practices and values.

5. The rule of law presumes that a law is in place and encompasses its content, particularly its consistency with international human rights standards, its certainty of application, its supremacy in the hierarchy of power, the institutions and procedures for its implementation and enforcement, and the fairness with which it is applied in any given case.

6. A system of government established under the rule of law ensures the availability of mechanisms for conflict resolution, whether judicial or non-judicial, and adequate remedies to address possible violations and transgressions. The system must also assure that such mechanisms and remedies are accessible to all, function in respect of international standards and backed by the State's commitment to accountable government.

7. At the institutional core of systems based on the rule of law is a strong independent judiciary, adequately empowered, financed, equipped, and trained to uphold human rights in the administration of justice. Also essential is an effective, justice sector including adequate facilities and national training regimes for lawyers, judges, prosecutors, police and prison officials.

8. Ending impunity is a fundamental aspect of furthering the rule of law. National, regional and international judiciaries have a specific role to play in addressing crimes of concern to the international community as a whole, such as genocide, war crimes and crimes against humanity. Where societies are undergoing the painful process of transition from conflict or widespread human rights abuses, accountability itself must be institutionalized, through appropriate tribunals, truth commissions, consultation processes, and other such mechanisms as determined by the people themselves.

9. The good functioning of the rule of law necessitates a strong legal framework, under the Constitution, which upholds human rights and democracy, and which provides for effective protection, implementation and redress in key areas at domestic level that relate to all human rights, be they civil, cultural, economic, political or social rights.

10. Transparency of institutions, policies, practices, and programmes affecting all aspects of life is essential for any properly functioning society. Transparency helps to foster stability and predictability of government. Transparency is essential for the realization of rights, whether they relate to the exercise of emergency powers, the protection of civil and political rights or the allocation of available resources in the context of achieving progressively the full realization of economic, social and cultural rights.

11. Under the transparency principle, society at large is able to monitor a State's compliance with its obligations. This requires a strong civil society and effective non-governmental organizations committed to ensuring respect by the State of human rights standards and vigilant in its demands that the rule of law be rigorously observed.

II. Technical cooperation

12. The technical cooperation programme of the Office of the High Commissioner supports Governments, at their request, in promoting and protecting human rights at the national and regional levels by incorporating international human rights

standards into national laws, policies and practices and by building sustainable national capacities to implement those standards and ensure respect for human rights.

13. The number of States requesting assistance in fortifying and consolidating the rule of law can be considered an indicator of the importance member States attach to the rule of law. As of 30 April 2004, thirty-six ongoing technical cooperation projects were being administered by the Voluntary Fund for Technical Cooperation in the Field of Human Rights, at least twenty of which were providing support to activities related to strengthening the rule of law.

14. The technical cooperation programme offers assistance in a wide range of areas. This includes support for reporting under human rights treaties; development and implementation of national plans of action; establishment and strengthening of national human rights institutions; assistance with constitutional and legislative reforms, administration of justice, elections and national parliaments; and training for police, judges and other legal professionals, prison personnel and the armed forces. The involvement of non-governmental organizations and civil society, in both implementation and participation in training is a key component of this activity.

III. Human rights training materials

15. In the endeavour to strengthen the United Nations system-wide approach to promoting the rule of law and human rights, the Office of the High Commissioner has developed training materials intended for use by United Nations staff, intergovernmental and non-governmental organizations, and civil servants of countries receiving technical cooperation. Training materials include a recently completed training manual for judges, prosecutors and lawyers; a training package for the law enforcement officials; a handbook on international standards relating to pre-trial detention; and a manual on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment.

16. Other training materials include a training package on human rights monitoring; a handbook on legal, technical and human rights aspects of free and fair elections; and, a field guide on human rights for international civilian police monitors. Materials under preparation include training manuals for prison officials and military peacekeepers. An updated version of the field guide on human rights and international civilian police monitors is also under preparation.

IV. National human rights institutions

17. The Office of the High Commissioner, through its National Institutions Unit, supports the establishment and strengthening of national human rights institutions as a key mechanism in support for the rule of law. Such institutions can make a substantial contribution by transforming the goals of international instruments into reality at the national level.

18. National human rights institutions contribute to the development of pluralistic democracies respecting the rule of law by providing advice to Governments on legislation, policies and programmes; ensuring the application of international

human rights norms in national jurisprudence; empowering judicial enforcement mechanisms while respecting the independence of the judiciary; ensuring access to the courts including through the role of amicus curiae; establishing complaint mechanisms; undertaking investigations of alleged human rights violations either at the request of authorities or suo moto; providing early warning regarding critical issues; building bridges between Governments and civil society; promoting human rights and fundamental freedoms through education and information; and allowing for public inquiries that provide insight into systemic problems.

19. The Office of the High Commissioner provides advice on legislative, procedural and substantive issues of relevance to national human rights institutions. This work has increasingly been done in cooperation with partners from other United Nations agencies and civil society. In November 2003, the Office, in cooperation with the Danish Institute for Human Rights, hosted the International Round Table "National Human Rights Institutions and Administration of Justice" with the participation of twenty-two national human rights institutions from Africa, Asia and the Pacific, Europe and Latin America, in which the centrality, and importance, of implementing the Paris Principles and the potential quasi-jurisdictional powers of national institutions were highlighted. In July 2004, the Office, together with the Danish Institute for Human Rights, launched the case-handling database for national human rights institutions, available on the national institutions web site www.nhri.net.

20. The Office continues to assess the role of national human rights institutions in countries in crisis or in transition. In the Occupied Palestinian Territories, the Office has focused particular attention on the Palestinian Independent Commission for Citizens Rights and advising and enabling legislation in hopes of eventually entrenching the institution in parliamentary legislation. Efforts are ongoing to establish and strengthen national institutions in countries such as Afghanistan, Angola, the Democratic Republic of the Congo, Iraq, Nepal, the Occupied Palestinian Territories, Rwanda, and Uzbekistan.

V. Office of the United Nations High Commissioner rule of law-related support to peace operations

21. OHCHR has increasingly been involved in providing advice on key human rights and rule of law issues in connection with peace negotiations and other United Nations efforts aiming at restoring peace. OHCHR has been closely cooperating with the Department of Political Affairs, the Department of Peacekeeping Operations and other United Nations programmes and agencies, and has contributed to country-related and thematic discussions in Afghanistan, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Haiti, Iraq, Liberia, Sierra Leone, Sudan and Timor-Leste on civilians in armed conflict and children and armed conflict, and held by the Security Council. OHCHR participated in various inter-agency meetings and task force groups such as the Inter-departmental Task Force (ITF) on Afghanistan, Burundi, Côte d'Ivoire, Haiti, Liberia and Sudan. In order to facilitate the establishment of peace operations, and to advice on the definition of comprehensive human rights and rule of law strategies, OHCHR has been closely working with United Nations teams on the ground and has deployed experienced Human Rights Advisors to various United Nations Missions such as to

Liberia, Burundi, Iraq, Côte d'Ivoire, Sudan and Haiti to assist the efforts of the Special Representatives of the Secretary-General and United Nations Resident Representatives.

22. OHCHR made concrete proposals on the scope, structure and functions of human rights components of peace operations to ensure that the respective mission mandates included components of the protection and promotion of human rights.

23. In some post-conflict countries, OHCHR is supporting the work of peace operations and working in close coordination with other United Nations partners, including the United Nations Development Programme, to support human rights and rule of law programmes and other initiatives through capacity-building and human rights training programmes for law enforcement officials and other key groups. Important lessons can be drawn from the work of the human rights components of several peace operations actively involved in human rights and rule of law efforts, such as, for example in Sierra Leone, Afghanistan, Timor-Leste, Democratic Republic of the Congo, Guatemala, Georgia, Burundi and Eritrea.

VI. Rule of law in states of emergency

24. Acts of terrorism seriously undermine international and national rule of law. As has been recognized by the Commission on Human Rights, acts, methods and practices of terrorism aim at the destruction of human rights, fundamental freedoms and democracy. They destabilize governments and undermine civil society. Governments therefore have not only the right, but also the duty to protect their citizens from terrorist acts. The manner in which counter-terrorism efforts are conducted, however, can have a far-reaching effect on the rule of law. There is increasing evidence that some governments are using the international mobilization against terrorism as an opportunity to strike down or restrict political opposition. Serious human rights violations, such as torture, arbitrary detention, racial discrimination, anti-Semitism, Islamophobia, and restrictions on the rights of association and assembly are frequently reported.

25. OHCHR has continued to emphasize the importance of respecting the international legal framework for states of emergency, both in connection with counter-terrorism action as well as other situations which may implicate national security. Human rights law strikes a balance between legitimate national security concerns and the protection of fundamental freedoms. It concedes that derogation from a number of rights may be permissible in times of national emergency, but article 4 of the International Covenant on Civil and Political Rights subjects such derogations to strict substantive and procedural safeguards regarding the declaration and implementation of a state of emergency.

26. In September 2003, OHCHR published the *Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism*. It has distributed the publication widely, including to all national affiliates of the International Bar Association and to members of the International Commission of Jurists. The *Digest* includes the full text of the Human Rights Committee's General Comment No. 29 of 2001 on states of emergency. The goal is to provide legal professionals, policy makers and others with a vision of a counter-terrorism strategy that fully respects human rights and the rule of law. OHCHR is developing its capacity to offer technical assistance to States in the area

of counter-terrorism and emergency measures, in consultation with partners including the United Nations Office on Drugs and Crime. OHCHR has also maintained its dialogue with the Counter-Terrorism Committee (CTC) of the Security Council and has regularly provided the CTC chair with updates on relevant findings of the United Nations human rights treaty bodies and other mechanisms.

27. The Human Rights Committee, charged with monitoring implementation of the International Covenant on Civil and Political Rights (ICCPR), has continued to pay particular attention to counter-terrorism and other emergency measures that may have a negative impact on the rights contained in the Covenant. The issue has also been addressed by the Committee against Torture and the Committee on the Elimination of Racial Discrimination, as well as by a number of the special procedures established by the Commission on Human Rights.

VII. Examples of technical cooperation activities in the area of the rule of law

Afghanistan

28. In Afghanistan, OHCHR supports the United Nations Assistance Mission in Afghanistan (UNAMA), particularly by providing advice on the process of transitional justice. Human rights focal points in the regions continue to monitor justice related issues, such as arbitrary detention and harassment of civilians by the military and police. OHCHR has provided a technical adviser to the Afghan Independent Human Rights Commission to strengthen its infrastructure and develop priority areas such as monitoring the judicial process. The Government of Italy, with the support of UNAMA and UNDP, continues as the focal point for criminal justice reform activities, providing technical assistance to the interim administration and its entities, such as the Judicial Reform Commission. In addition, OHCHR provided training on reporting under human rights treaties ratified by Afghanistan.

Angola

29. The OHCHR continued its work on a computerized case-tracking project, which will improve control of legal preventive detention periods (pre-trial) through the use of database monitoring technology. Development Workshop, a Canadian NGO, coordinated the project's technical implementation, in cooperation with the Angolan Prosecutor General's Office.

30. OHCHR assisted the Angolan Bar Association with the implementation of a project aimed at the release of detainees after the expiry of legal preventive detention periods, and the improvement of general detention conditions in two provinces.

31. Building on efforts undertaken by the United Nations Organization in Angola (UNOA) and the United Nations Observer Mission in Angola (UNMA), the Office of the High Commissioner resumed a programme of civic and human rights education with the Angolan National Police, covering one province directly and two provinces through partner NGOs. A proposal for the continuation of a similar training programme with the Angolan Army, covering most of the country, was completed.

Azerbaijan

32. OHCHR has continued to focus on promoting the rule of law, democracy and respect for human rights through technical cooperation with the Government of Azerbaijan. A primary objective is a project providing training in international human rights standards in the field of law enforcement and administration of justice; reinforcing national compliance with the United Nations treaty reporting obligations; and developing comprehensive training manuals, including a police training manual, in compliance with international human rights standards. The first phase of the project was implemented between January 2002 and May 2003, with a focus on capacity building of the police, training of the police and publishing the training manual and accompanying materials in Azeri language for future consultation. OHCHR and the Government agreed on the implementation of phase 2 through 2005 aiming at strengthening the protection of human rights in the administration of justice sector by providing training to judges, prosecutors, lawyers and penitentiary staff; including translation of relevant OHCHR manuals into the Azeri language; and enhancing national capacity in United Nations treaty body reporting processes by providing training to relevant government officials, staff of the Ombudsman's Office and civil society organizations.

Bosnia and Herzegovina

33. OHCHR trained Federation and Republika Srpska defence attorneys on the new criminal procedure code, and participated in the working groups on the draft law on minor offences, on national prosecution of war crimes and on juvenile justice. OHCHR also provided technical assistance to the Office of the High Representative's rule of law unit on their draft criminal law programme and the issue of witness protection. The Office of the High Commissioner ensured that civil society was informed of the content of the laws (e.g. draft law on witness protection) and was able to give comments relating to protection of witnesses to war crimes and victims of gender-based violence. OHCHR also provided comments on the draft law on missing persons, and did an assessment of the domestic legal framework relating to the families of missing persons and the enjoyment of their human rights.

34. OHCHR has become increasingly involved in supporting torture victims and families of missing persons in accessing their social and economic rights, both through taking up individual cases, and supporting associations to raise their concerns. In the same vein, OHCHR provided technical assistance to the Government to ensure the integration of human rights into the implementation of the National Plan of Action to combat trafficking; trained judges, prosecutors and police, and undertook awareness-raising activities at national and regional levels through media, press conferences and publications. In the area of protection and assistance for victims of trafficking, OHCHR hosted a round table of all relevant government bodies and NGOs to identify areas that required regulation under the new Law on Movement and Stay of Aliens and Asylum. The Office then provided technical assistance to the Government in drafting the necessary regulations.

Bahrain

35. In April 2004, OHCHR participated in a workshop organized by the Bahrain Society for Human Rights and the Ministries of Foreign Affairs and Interior, which

related to the training of police officers in human rights in the administration of criminal justice.

Burundi

36. In Burundi, OHCHR continued to monitor the legality of detention in both prisons and police stations. Technical expertise was also provided to law enforcement officials on the adequacy of criminal investigations. The Office of the High Commissioner contributed to the training of 32 judges and prosecutors from 17 "tribunaux de grande instance" and prosecution offices in the field of administration of justice, techniques in criminal law and judicial process, in Bujumbura, from 26 April to 7 May 2004. It also provided technical assistance to the United Nations Team which carried out a needs assessment mission for the establishment of an International Commission of Inquiry for Burundi, in May 2004.

Cambodia

37. In Cambodia, OHCHR's office cooperated with key state institutions, at the central and provincial levels, and with civil society, on strengthening the rule of law, on legislative reform and on building capacity in the judicial sector. OHCHR continued to provide comments on key draft laws, facilitate discussion on legal policy issues, provide advice on legal issues with a particular focus on criminal justice process and procedure, as well as monitor trials of concern in the court system.

38. During 2003, the OHCHR also supported the relevant authorities to ensure that the National Assembly election was conducted in a free, informed and fair manner. The agreement between the United Nations and the Government of Cambodia concerning the prosecution under the Cambodian law of crimes committed during the period of Democratic Kampuchea was signed in Phnom Penh on 6 June 2003.

Central African Republic

39. In Central Africa, the human rights section of BONUCA carried out various training activities for the police, armed forces and judges throughout 2003 and 2004. OHCHR organized a training session for 27 participants to combat transboundary criminality and terrorism and continued to visit prison facilities in 2003 and 2004 to monitor respect for the standard rules on treatment of detainees. From December 2003 to January 2004, OHCHR monitored the trials conducted by the Permanent Military Tribunal. During the period from February to April 2004, OHCHR advised the Transitional Authority and the Government in the drafting of the new Constitution, the Criminal Code and Criminal Procedure Code.

Chad

40. At the request of the Minister of Justice of Chad and according to the resolution 2003/81 adopted by the Commission on Human Rights on 25 April 2003, OHCHR and UNDP/Chad carried out a needs assessment mission to Chad in February/March 2004. The mission focused on the situation of the judicial and prison sectors, and how they can respond to the culture of impunity. Taking into account the recommendations already made by the meeting entitled "Etats généraux de la justice", organized by the Government in June 2003, the mission recommended to the OHCHR to provide technical assistance and advisory services

to the Government in the framework of a project (being formulated and implemented in 2005), focusing on the support to the implementing body, and with a view to developing a national programme on judicial reform. OHCHR intends to deploy a Human Rights Advisor to support these efforts.

China

41. OHCHR's programme in China originated in the Memorandum of Understanding between OHCHR and the Government of China signed in November 2000. The MOU indicates as the main objective of the OHCHR technical cooperation programme in China support for the ratification and implementation of international human rights treaties. The MOU covers, inter alia, the following areas: the administration of justice, human rights education, and "legal development" covering both legal and legislative reform. Activities in 2003 included a workshop in March in Beijing on alternatives to incarceration as punishment for minor crimes; a mission on human rights and the police to Beijing and Zhengzhou also in March 2003; a three-week course for selected police trainers and policy makers, focusing on human rights and criminal investigations, in London at the Centrex International Police Training facility in November-December 2003; and a visit for 16 prison administrators, trainers, and legislators to Swiss penitentiary institutions followed participation in a round table on human rights and prison administration at OHCHR headquarters in September-October 2003. Finally, the compilations of the general comments of treaty bodies and of the General Guidelines on reporting to these bodies were distributed among academic institutions involved in human rights research in preparation for China's ratification of the International Covenant on Civil and Political Rights.

Colombia

42. OHCHR continued to provide advice regarding the promotion of respect for the rule of law, including the provision of legal opinions on the conformity of domestic legal provisions and draft legislation with international standards, particularly aimed at ensuring the independence of the judiciary, the exercise of fundamental freedoms and the rights of victims. OHCHR also participated in a number of working meetings of inter-institutional bodies and other related committees in order to advise the authorities on the relevant international standards. OHCHR has enhanced its advisory activities on constitutional and judicial reforms, the right to truth, justice and reparation, and policies related to the fight against terrorism. In addition, the Office of the High Commissioner continued to provide technical cooperation and training to contribute to the strengthening of the capacity of those national institutions responsible for promoting and protecting human rights to implement international human rights law and international humanitarian law. The Office of the Ombudsman, the Office of the Attorney-General, Procurator General, judges, members of Congress, municipal representatives, the Colombian Institute for Family Well Being, and civil society were the principal recipients of such training.

Croatia

43. In Croatia, an expert round table was organized to discuss, inter alia, a draft law on gender equality; implementation of the constitutional law on national minorities, focusing on the elections of local Minority Councils; implementation of

the constitutional law on national minorities, with a special focus on parliamentary elections, and the proposed law on the implementation of the International Criminal Court Statute providing for the processing of domestic war crime cases. A training seminar on individual complaint procedures of human rights treaty bodies was held for 25 lawyers and human rights activities in June 2003.

Democratic Republic of the Congo

44. OHCHR has undertaken training and advocacy activities, including the sensitization of military magistrates on "Military justice and protection of human rights". This campaign lasted from 30 September to 1 October 2003 and involved 125 military magistrates. OHCHR also funded the reprinting of the Military Criminal Code and the Military Justice Code, as well as international instruments relating to human rights which were distributed to army officers. OHCHR also provided support to the Permanent Commission for the Reform of the Congolese Law, with particular regard to drafting laws meant to harmonize national law with the Rome Statute.

El Salvador

45. The Office of the High Commissioner organized a number of activities relating to the rule of law in 2003, including a colloquium on the domestic law against juvenile gangs in September 2003 with the participation of the Ombudsman's Office for the Defense of Human Rights, the Ministry of Foreign Affairs, the Prison's National Direction and the Ministry of the Interior. As a follow-up, a related conference was organized in October 2003. OHCHR facilitated a one-day workshop in December 2003 for 25 police officers on their roles and responsibilities in respecting the Universal Declaration of Human Rights followed by a conference for 40 high-level officials of the national police.

46. Other activities organized in December 2003 included a forum on impunity, national justice and international mechanisms (co-sponsored by the NGO Commission on Human Rights of El Salvador). Participants discussed the 1993 Amnesty Law and its negative impact on judicial proceedings for relatives and victims. A training on human rights and gender was offered to 50 persons representing various institutions such as the Ombudsman's Office, the Ministry of Foreign Affairs, the national police, members of the legislature and representatives from the National Direction for Prisons, the Ministries of Health and Education, the National Institute for Children and Adolescents, and representatives of NGOs.

Guinea-Bissau

47. The technical cooperation project in Guinea-Bissau aims to provide, inter alia, training to magistrates, lawyers, parliamentarians, law enforcement officers and army officials on fundamental human rights. In two separate training sessions in June 2003, 173 and 650 soldiers who were to be deployed to Côte d'Ivoire and Liberia participated in human rights training sessions. The goal of the exercise was to provide the soldiers with a basic knowledge of human rights and international humanitarian principles to enable them to accomplish their peacekeeping responsibilities.

48. In July 2003, a human rights seminar for the army and police units was organized to provide information regarding human rights and how they can be

incorporated into the daily work of security and law enforcement officials. Other activities undertaken include the translation and production of radio sketches in Creole of the principles regulating the use of force and firearms by law enforcement agents, as well as different articles of the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women.

Iraq

49. On 4 June 2004, OHCHR submitted a report (advance unedited report) on the present situation of human rights in Iraq to the Commission on Human Rights (E/CN.4/2005/4).

50. OHCHR translated the new training publication entitled *Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers* into Arabic. This publication served as the basis for several trainings conducted by the International Bar Association for Iraqi judges, prosecutors and lawyers.

Morocco

51. In March 2004, OHCHR participated in a two-day regional workshop in Marrakesh organized by UNDP/Regional Bureau of Arab States and the Moroccan Ministry of Justice on the role of the prosecution in the administration of justice.

Palestine

52. Forty-five judges from the West Bank and Gaza participated in a training course on human rights and the administration of justice organized by OHCHR in Gaza. In cooperation with the Palestinian Rehabilitation and Reform Centres, OHCHR facilitated a five-day training course for 23 prison officials from the West Bank in May 2003 in Ramallah. Provided with funds by USAID, the OHCHR also organized, in cooperation with the Office of the Palestininan Attorney General and DPKO, a three-day training course for prosecutors from the West Bank in Ramallah. A similar four-day training course for prosecutors was organized in Gaza in September 2003 for prosecutors.

53. OHCHR organized various training courses dealing with the strengthening of the administration of justice and the role of law for National Authority staff, prosecutors, police officers, judges, Legislative Council staff, lawyers, and prison guards. At least 300 law enforcement officers and legal practitioners were trained in international human rights law, aiming at integrating the human rights concepts into domestic laws and policies.

54. At the end of 2002 and throughout 2003, OHCHR organized training courses on human rights and the administration of justice for Palestinian lawyers from the West Bank and the Gaza Strip, in cooperation with the Palestinian Bar Association, Palestinian prisons guards in the West Bank and the Gaza Strip, and Palestinian police staff in the Gaza Strip. In addition, OHCHR facilitated two training sessions for 66 Palestinian prosecutors from the West Bank and Gaza Strip in collaboration with the Office of the Attorney General and two courses for 70 Palestinian Judges from the West Bank and Gaza Strip in cooperation with the Palestinian Judiciary Council.

55. In December 2002, OHCHR supported the development of guidelines on arrest, detention and use of force and firearms, which have been widely distributed among the Palestinian police force as a complement to its training activities, by providing training modules elaborated by the Danish Police.

Peru

56. The Office of the High Commissioner supported the work of the Truth and Reconciliation Commission through a technical cooperation project until July 2003. OHCHR has offered technical cooperation to the Commission to ensure the fulfilment of the mandate, through the strengthening of its technical capacities on research, analysis and systematization of the information; design and revision of a database on violations of human rights; in addition to the design and preparation of proposals concerning, in particular, the effective application of justice and reparation to the victims.

57. A seminar was held in June 2003 to discuss human rights and reconciliation in the aftermath of violent conflict and the experiences of Truth and Reconciliation Commissions in other countries. The seminar was attended by some 800 persons and covered such issues as armed conflict and truth commissions, internal conflict and democracy, reparations policies, reconciliation and institutional reform, and the International Institute for Democracy and Electoral Assistance's (IDEA) manual on reconciliation.

Qatar

58. A one-day event entitled "OHCHR workshop on International Human Rights Protection through the Courts in Qatar" was organized in cooperation with the Government of Qatar on 23 May 2004 in Doha. Some 30 judges, prosecutors and lawyers attended the meeting to discuss topics such as international human rights law and its implementation mechanisms, the independence and impartiality of the judiciary, and the role of the judiciary in upholding human rights.

Saudi Arabia

59. In April 2004, OHCHR participated in a symposium in Riyadh, on the "Judiciary and Judicial Organizations in Saudi Arabia", organized by the Ministry of Justice. Discussions focused on the role of the judiciary, prosecutors and lawyers in the administration of justice, advocacy criminal procedures, and law reform.

Serbia and Montenegro

60. The major activities of OHCHR in Serbia and Montenegro (including Kosovo) have included its participation in consultations and commenting on the Charter on Human and Minority Rights and Fundamental Freedoms that was incorporated into the new Constitution of the Union of Serbia and Montenegro in February 2003.

61. OHCHR monitored new legislation and measures taken during the state of emergency in Serbia, which was in effect for six weeks following the assassination of the Serbian Prime Minister in March 2003, and provided government representatives with advice and information on international human rights standards to be respected in time of public emergency. The Mission led meetings with local NGOs and kept the human rights community informed on new developments.

OHCHR visited detainees held without judicial supervision according to special powers given to the police and prosecutors under emergency decrees and other legislation, which remained in effect after the end of the state of emergency; delegates of the Organization for Security and Cooperation in Europe (OSCE) and its Office for Democratic Institutions and Human Rights (ODIHR) were present at these visits. OHCHR made specific recommendations to the authorities relating to human rights violations during the state of emergency, including torture, conditions of detention which may have amounted to cruel, inhuman or degrading treatment and extensive periods of detention without judicial supervision, which continued after the ending of the state of emergency.

Sierra Leone

62. In Sierra Leone, OHCHR continued its support to the operations of the Truth and Reconciliation Commission. The United Nations Mission in Sierra Leone (UNAMSIL) Human Rights Section sponsored a two-day workshop to coordinate actors in the justice sector, and supported the implementation of a prison reform. UNAMSIL, with the assistance of OHCHR, sponsored the Lawyers Centre for Legal Assistance to pilot a programme on free legal services for the poor. UNAMSIL has also convened two conferences on the rule of law in Sierra Leone.

Solomon Islands

63. The objectives of technical cooperation in the Solomon Islands are to strengthen the institutional capacity of the police to respect and promote human rights; introduce human rights approaches into prison administration; wider access to justice; integrate international human rights standards into national legislation; provide support for the post-conflict peace-building process; and increase public awareness of human rights standards and norms, especially concerning women's rights, children's rights, and economic, social and cultural rights.

64. Activities undertaken in 2003 to achieve these goals included the finalization of a draft human rights pocket guide for police; assistance, in cooperation with UNDP, to the Government in its efforts to draft and adopt a new constitution; the provision of grants to an NGO to conduct a survey of community leaders on their views about initiating a truth and reconciliation process, which were overwhelmingly positive.

Sudan

65. In Sudan, OHCHR has identified key areas for intervention in human rights training programmes for the armed forces, human rights education, monitoring, police training and security-sector reform, and judicial and legislative reform. A series of human rights training programmes were conducted for government officials entrusted with submitting reports to international treaty bodies.

66. OHCHR held several seminars on the role of the Sudanese regular armed and police forces in the promotion and protection of human rights. The training programme tried to familiarize participants with basic international human rights standards in relation with their duties.

67. With regard to the harmonization of domestic law with international human rights law, a seminar was organized by the OHCHR for parliamentarians to

strengthen the capacity of the legislative body, which was seen as a crucial step forward to protect and to promote human rights and fundamental freedoms in Sudan.

68. In December 2003, a seminar was held on the Convention against Torture, which focused on the implications of ratification, issues related to the provisions of the Convention, the definition of torture, universal jurisdiction, reservations and their legal impact, the experience of other States with regard to their reporting obligations, and the development of international human rights law in reference to the Convention.

69. In cooperation with the Government of Sudan, a team of OHCHR staff undertook a mission to the Dharfur region and to the border region of Chad to report on the growing crisis in that region, A report was submitted to the Commission on Human Rights that determined that human rights violations had taken place in the Dharfur region (E/CN.4/2005/3), and which analysed the legal character of those violations. A team of eight human rights monitors was deployed to the Dharfur region in August 2004 to support the protection activities of humanitarian agencies, to develop monitoring capacities, to continue reporting on the human rights situation, and to investigate human rights violations committed by governmental and non-governmental forces with a view to preventing abuses from occurring in the future.

Tajikistan

70. OHCHR supported the development of national capacities of law enforcement agencies, seeking to accelerate their reform and increase professionalism. Project activities included the establishment of a Forensics Center at the Ministry of Interior under the Expert Criminology Department for conducting investigations with scientific methods including training of staff. The project was being expanded to several regional centres. The United Nations Tajikistan Office of Peace-building (UNTOP) worked with the educational units of the Ministry of Interior such as the Study Center and Police Academy, providing training on the United Nations Code of Conduct for Law Enforcement Officials and on human rights in policing. Following discussions hosted by UNTOP on the Law on Militia, the law was subsequently amended in 2004 to better reflect international norms. In 2003, UNTOP staff carried out a two-day human rights training, in cooperation with the NGO Legal Education Center, targeting lawyers and judges. In the course of the project some 240 practising judges and advocates received human rights training.

The former Yugoslav Republic of Macedonia

71. OHCHR provided support for the advisory board of the newly established NGO coalition, All for Fair Trials. The coalition was founded by representatives of 18 national NGOs with the aim to observe the implementation of fair trial standards and to collect impartial information on the functioning of the judicial system for the purpose of raising public confidence and proposing long-term reform in the criminal justice system. In addition, OHCHR's police pocket book on human rights for the police was published in two local languages.

72. With a view to improving the capacity of the human rights office in the Ministry of Foreign Affairs to mainstream international human rights standards throughout government departments, OHCHR worked with officials at the Ministry

of Foreign Affairs to begin preparing overdue reports for submission to human rights treaty bodies.

Timor-Leste

73. Under its two-year joint programme with the United Nations Mission of Support in East Timor (UNMISET), OHCHR worked with the Government to incorporate international human rights standards in national laws, to strengthen national institutions and the administration of justice, and to formulate national plans of action for the promotion and protection of human rights. The human rights unit of UNMISET has contributed to the development of draft legislation such as legislation on domestic violence, the creation of the Office of the Provedor and draft immigration laws such as the Nationality Law and the Immigration and Asylum Law. The human rights unit has also been involved in the development of subsidiary forms of legislation, in particular the development of "standard operating procedures" for police and other actors in the field of law enforcement, including standard operating procedures in key areas such as arrest, detention, use of force and treatment of vulnerable persons.

United Arab Emirates

74. In April 2004, OHCHR participated in a five-day regional workshop on Dubai, organized to train Arab police officers with the participation of some 95 police officers from 14 Arab countries and resource persons from various Arab NGOs. The Dubai Police authorities announced that the workshop would be an annual event sponsored by Dubai Police.

VIII. Increased focus on the role of judges, prosecutors and lawyers

75. Judges, prosecutors and lawyers, particularly defence counsel, have a paramount role in defending human rights. It is in recognition of this reality that the Office of the High Commissioner issued in 2004 a new training publication entitled *Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers*, produced in cooperation with the International Bar Association. The Office is actively distributing this publication that is both a training tool and a reference work on human rights standards. As part of this process, the Office is actively promoting the use of this publication in technical cooperation projects, as well as its use by other United Nations bodies and specialized agencies, international and regional intergovernmental organizations and NGOs specializing in rule of law issues. OHCHR will be disseminating additional information and publications periodically to legal professionals.

76. The Office will continue technical cooperation projects aimed at organizing training and exchanges of experiences among judges, prosecutors and lawyers at the national, subregional, regional and international levels to progressively reinforce the role of judges, prosecutors and lawyers in the promotion and protection of human rights worldwide.

77. In this regard, a high-level international symposium on "The role of judges in the promotion and protection of human rights — strengthening interagency

cooperation", was held in Vienna in November 2003 at the initiative of the Foreign Minister of Austria and the United Nations High Commissioner for Human Rights, in cooperation with the United Nations Office on Drugs and Crime. The meeting marked the tenth anniversary of the 1993 World Conference on Human Rights and the Vienna Declaration and Programme of Action. The meeting adopted a Vienna Declaration on the Role of Judges in the Promotion and Protection of Human Rights and Fundamental Freedoms that stresses that this role of judges "is pivotal in the process of enabling people to assert their rights and in enforcing their claims to those rights". It also recommends specific action to strengthen the impact of judges in this area, to be taken by States, intergovernmental and non-governmental organizations. The Declaration makes special reference to conflict and post-conflict situations.

78. Following a series of consultations with national Chief Justices held in the Hague in November 2002, a draft code of judicial conduct, referred to as the Draft Bangalore Principles of Judicial Conduct, was revised and renamed the Bangalore Principles of Judicial Conduct. The Bangalore Principles, which address, inter alia, the issue of judicial corruption, were noted at the fifty-ninth session of the Commission on Human Rights (see Commission resolution 2003/39 and E/CN.4/2003/65).

IX. Future activities

79. The Office is currently in the final phase of implementing a project to develop guidelines that will help ensure the centrality of human rights in the administration of justice in post-conflict and post-crisis countries. The project has sought to identify the actual needs of the United Nations system through consultations with key United Nations partners as well as with other relevant external entities and an expert workshop will be convened in September 2004 to prepare rule of law policy tools. In addition, the Office plans to enhance its capacity to provide legal advice for the drafting of human rights-sensitive legislation, codes and regulations.

80. The Office is also reinforcing its capacity to address the relationship between international human rights law, international humanitarian law and international criminal law. It is planning to focus on issuing additional digests of jurisprudence that may be of use to judges and other legal professionals. It will also develop tools to assist States in respecting international legal obligations while protecting national security.

81. In 2005, OHCHR will issue a number of new rule of law policy tools, and will convene technical meetings to collect and analyse relevant experiences. Preparation is under way for tools relating to justice sector mapping; basic policy approaches to domestic prosecution for serious violations of gross violations of international human rights law and serious violations of international humanitarian law; guidance on approaches to the creation of truth commissions; legal system monitoring methodologies; a review of reconciliation approaches; and guidance on public sector vetting.

X. Conclusions

82. The promotion of the rule of law is predicated on the linkage between the promotion and protection of human rights and the rule of law, and on the recognition of these as the indispensable foundations for sustainable democracy. The Office of the High Commissioner will, therefore, continue to place particular emphasis on the promotion and strengthening of the rule of law in its technical cooperation programme as well as in other activities falling within its mandate and within available resources. In the United Nations system, the Office will continue to focus its efforts to provide greater support and advice to its key partners on rule of law-related issues, especially within the context of United Nations peace operations and the administration of transitional justice in post-conflict situations.